

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Samuel H. Peck,

Plaintiff,

-vs-

Michael J. Astrue, Commissioner of Social
Security Administration,

Defendant.

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Case No. 2:10-cv-08

**ORDER ADOPTING REPORT AND
RECOMMENDATIONS**

Plaintiff initiated this action seeking judicial review of the final decision of the Commissioner of Social Security ("Commissioner"), which denied his application for disability insurance benefits and supplemental security income. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's Motion for Summary Judgment be denied; that the Commissioner's Motion for Summary Judgment be granted, and the Commissioner's decision be affirmed (Doc. #14). Neither party filed objections to the Report and Recommendation within the time prescribed by Fed.R.Civ.P. 72(b) and Local Rule 72.1(D)(3).

After carefully reviewing the Report and Recommendation, along with the entire file, the Court agrees with the Magistrate Judge's analysis. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary Judgment (Doc. #8) is **DENIED**; the Commissioner's Motion for Summary Judgment (Doc. #11) is **GRANTED**; and the Commissioner's decision is affirmed.

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 15th day of February, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court